

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Gary P. Shimun, Town Administrator

PREPARED BY: Russell C. Muniz, MBA, CMC, Town Clerk

SUBJECT: Resolution

AFFECTED DISTRICT: Town-Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY “ADDITIONAL” LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: In 1993 Broward County adopted a supplemental “Additional” Local Option Gasoline Tax Ordinance that collects gasoline taxes and originally distributed funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% municipal. In 1997, the Board of County Commissioners approved a policy providing for increases in the Cities share of the “additional” local option gas taxes to take into account the population shift resulting from annexation. The 2008 amendment addresses the new distribution ratio of 48.73% to the County and 51.27% to the municipalities. In 2007, the distribution ratio had been 48.74% to the County and 51.26% to the municipalities. The funding distribution formula for municipalities reflects a population of 93,428 for the Town of Davie and increased our distribution percentage from 2.648051 to 2.734448.

PREVIOUS ACTIONS: R-2004-098, R-2005-146, R-2006-151, and R-2007-137.

CONCURRENCES: Requires execution by the County.

FISCAL IMPACT: Yes

Has request been budgeted? n/a

Additional Comments: Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s): Resolution, 2008 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2008 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 1, 1993, the Board of County Commissioners imposed an "additional" local option gas tax on motor fuel; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Amended Interlocal Agreement to receive a distribution of these funds; and

WHEREAS, the Interlocal Agreement shall be effective September 1, 1993, through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

2008 AMENDMENT
to
INTERLOCAL AGREEMENT

between
BROWARD COUNTY

and
TOWN OF DAVIE

providing for
DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD
COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL
ORDINANCE

This 2008 Amendment to Interlocal Agreement made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

«Town of Davie», a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "TOWN OF DAVIE."

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and TOWN OF DAVIE agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously amended, is hereby amended to read as follows:
2. Forty-eight and Seventy-three One-hundredths percent (48.73%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining Fifty-one and Twenty-seven One-hundredths percent (51.27%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Town of Davie x 51.27% =
Total Incorporated Area Population

Recipient	FY 2009 Percent Share of Proceeds
Coconut Creek	1.410921%
Cooper City	0.875669%
Coral Springs	3.797988%
Dania	0.864108%
Davie	2.734448%
Deerfield Beach	2.219361%
Fort Lauderdale	5.267387%
Hallandale	1.117832%
Hillsboro Beach	0.065063%
Hollywood	4.183652%
Lauderdale-by-the-Sea	0.181344%
Lauderdale Lakes	0.945765%
Lauderhill	1.880789%
Lazy Lake	0.001200%
Lighthouse Point	0.320894%
Margate	1.629085%
Miramar	3.269379%
North Lauderdale	1.237128%
Oakland Park	1.231626%
Parkland	0.677935%
Pembroke Park	0.170281%
Pembroke Pines	4.474722%
Plantation	2.497992%
Pompano Beach	2.959812%
Sea Ranch Lakes	0.021424%
Southwest Ranches	0.247636%
Sunrise	2.623376%
Tamarac	1.758010%
Weston	1.821434%
West Park	0.407703%
Wilton Manors	0.376036%
Total Incorporated	51.270000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:

3. The population figures set out herein are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

Recipient	FY 2009 Population
Coconut Creek	48,207
Cooper City	29,919
Coral Springs	129,766
Dania	29,524
Davie	93,428
Deerfield Beach	75,829
Fort Lauderdale	179,971
Hallandale	38,193
Hillsboro Beach	2,223
Hollywood	142,943
Lauderdale-by-the-Sea	6,196
Lauderdale Lakes	32,314
Lauderhill	64,261
Lazy Lake	41
Lighthouse Point	10,964
Margate	55,661
Miramar	111,705
North Lauderdale	42,269
Oakland Park	42,081
Parkland	23,163
Pembroke Park	5,818
Pembroke Pines	152,888
Plantation	85,349
Pompano Beach	101,128
Sea Ranch Lakes	732
Southwest Ranches	8,461
Sunrise	89,633
Tamarac	60,066
Weston	62,233

West Park	13,930
Wilton Manors	12,848
Total Incorporated	1,751,744
Unincorporated Area	13,963
Total County	1,765,707

3. This 2008 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement prior to June 1, 2008.

4. In the event this 2008 Amendment to Interlocal Agreement or a portion of this 2008 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or TOWN OF DAVIE elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

5. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2008 Amendment and the Agreement and/or any prior Amendment to the Agreement, the parties hereby agree that this document shall control.

6. This 2008 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have made and executed this 2008 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and TOWN OF DAVIE, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

COMMISSIONERS

BROWARD COUNTY, through its
BOARD OF COUNTY

County Administrator and Ex-Officio

By

Clerk of the Board of County
Commissioners of Broward County,
Florida

Mayor

_____ day of _____, 2008.

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County

Attorney

Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Al A. DiCalvo
Assistant County Attorney

2008 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD
COUNTY AND «Town of Davie» PROVIDING FOR DIVISION AND
DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

TOWN OF DAVIE

WITNESSES:

By

Mayor

_____ day of _____,
2008.

ATTEST:

By _____

Town Clerk

—

Town Administrator

_____ day of _____,

2008.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

Town Attorney